

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ANTHONY JOSEPH MOLASKI,

Plaintiff,

v.

MIKE GOWER, et al.,

Defendants.

Case No. 6:19-cv-01075-SB

ORDER

IMMERGUT, District Judge.

On September 21, 2020, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F&R), ECF 30, recommending that Defendants' Motion to Dismiss for Lack of Prosecution, ECF 29, be granted and this case dismissed without prejudice. No party filed objections.

DISCUSSION

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, the Court has reviewed the F&R, ECF 30, and adopts it in full. Defendants’ Motion to Dismiss, ECF 29, is GRANTED for lack of prosecution. Plaintiff’s complaint is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 8th day of October, 2020.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge